

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

BOBBY A. WILLIAMS,

Petitioner,

v.

Civil No. 2:07-CV-11291

HONORABLE DENISE PAGE HOOD

UNITED STATES DISTRICT JUDGE

PATRICIA CARUSO,

Respondent,

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**OPINION AND ORDER GRANTING THE MOTION TO DISMISS THE PETITION  
FOR WRIT OF HABEAS CORPUS WITHOUT PREJUDICE**

Bobby A. Williams, (“petitioner”), presently on parole supervision with the Michigan Department of Corrections, sought the issuance of a writ of habeas corpus pursuant to 28 U.S.C. § 2254 with this Court on March 26, 2007. In his *pro se* application, petitioner challenges the revocation of special good time credits. Petitioner has now filed a motion to dismiss the petition for writ of habeas corpus without prejudice, on the ground that he has now been released on parole. For the reasons stated below, the Court will allow petitioner to voluntarily withdraw his habeas petition and will dismiss the petition for writ of habeas corpus without prejudice.

Fed.R.Civ.P. 41(a)(2) governs voluntary dismissals, and fully applies to federal habeas proceedings. *Doster v. Jones*, 60 F. Supp. 2d 1258, 1259 (M.D. Ala. 1999). In this case, Petitioner is entitled to a voluntary dismissal of his habeas petition because there is no evidence that the respondent will suffer some plain prejudice from the dismissal. *Id.* at 1260.

Petitioner’s voluntary dismissal of his habeas action completely terminates the litigation in this case. *See Long v. Board of Pardons and Paroles of Texas*, 725 F. 2d 306, 306 (5<sup>th</sup> Cir. 1984). Because petitioner is being allowed to withdraw his habeas petition pursuant to Fed. R.

Civ. P. 41(a)(2), the dismissal will be without prejudice. *See Markham v. Anderson*, 465 F. Supp. 541, 543 (E.D. Mich. 1980).

Accordingly,

It is **ORDERED** that the petition for writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**.

S/Denise Page Hood  
Denise Page Hood  
United States District Judge

Dated: February 25, 2008

I hereby certify that a copy of the foregoing document was served upon Bobby A. Williams, Reg. No., 147572, Florence Crane Correctional Facility, 38 Fourth St., Coldwater, MI 49036 counsel of record on February 25, 2008, by electronic and/or ordinary mail.

S/William F. Lewis  
Case Manager